

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>NAF Irrigation Company Attn: Jeff Sessions</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1425 DISTRIBUTION ACCOUNT: 100592 WATER RIGHTS: 11-795, 796,797,798</p>
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.

(ii) The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.

(c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:

(i) create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;

(ii) forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or

(iii) bring an action in the district court for the unpaid expense and salary.

(d) In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.

II. STATEMENT OF FACTS

1. The Respondent is the water user under distribution account 100592 and owner of water rights 11-795, 11-796, 11-797, 11-798.
2. A Distribution Assessment Notice for account 100592 was issued on April 19, 2010, for an annual assessment in the amount of \$878.92.
3. A Delinquent Distribution Notice was issued on July 15, 2010, adding a delinquent fee in the amount of \$87.89.

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4. A Distribution Assessment Notice for account 100592 was issued on April 14, 2011, for an annual assessment in the same amount of \$878.92.
5. A Delinquent Distribution Notice for account 100592 was issued on July 7, 2011, adding a delinquent fee in the amount of \$184.57.
6. **The unpaid balance of distribution account 100592 is \$2,030.30, including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of \$2,030.30 must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to **"Utah State Engineer"** delivered to the address below:

Utah State Engineer
1594 West North Temple
PO Box 146300
Salt Lake City UT 84114-6300

3. The enclosed assessment notice must be submitted with the payment and the distribution account number shown in the caption of this notice must be written on the check.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted in violation of the

Order. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation.”

V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Will Atkin
Regional Engineer
Logan Office/ Northern Region
Utah Division of Water Rights
(435) 752-8755

OR

Ben Anderson
Water Rights Distribution Engineer
Utah Division of Water Rights
(801) 538-7469

1594 W North Temple Ste 220
P.O. Box 146300
Salt Lake City, UT 84114-6300

Dated this 17th day of August, 2011



Ben L. Anderson, P.E.
Water Rights Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 17th day of August, 2011, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

NAF Irrigation Co.
Jeff Sessions
3475 So. Round Mt. Lane
Malta, ID 83342

Kelly Horne
Kelly Horne
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.
Article Sent To: (to be completed by mailer)

DELIVERY CONFIRMATION NUMBER: 0306 2040 0001 6219 6752

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8/17/11

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NAF Irr. Co.
Jeff Sessions
3475 So. Round Mt. Lane
Malta ID 83342

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PS Form 162, May 2002 (See Reverse)